

[Home](#) > ... > [Training, Judicial Networks and Agencies](#) > [Training of Justice Professionals](#) > [National Training Systems](#) > [Initial Training of Lawyers In The European Union](#) > Belgium

# Initial training of lawyers in the European Union

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Belgium



Belgium

The Belgian Bar consists of “Orde van Vlaamse Balies” (Flemish), the umbrella organisation of the 8 Flemish local bars and “Ordre des Barreaux francophones et germanophone” (French- and German-speaking bars), the umbrella organisation of the 10 French-speaking local bars and 1 German-speaking bar, each having different schemes of initial training of lawyers

[Flemish bar association “Orde van Vlaamse Balies”](#)

[French and German-speaking bar association “Ordre des Barreaux francophones et germanophone”](#)

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Flemish bar association

## General description

Is initial training offered, if yes is it compulsory?

Initial training is compulsory and organised by the "Orde van Vlaamse Balies" (OVB) itself, through a commission made up of 2 representatives of each of the 8 bar associations who are all member of OVB. There are 5 local departments who follow up the practical organisation of the initial training.

Does initial training differentiate between categories of trainees, e.g. for in-house lawyers and advocates?

Initial training organised by the OVB is only applicable to trainee advocates (who can register on the lawyers' roll afterwards), not for in-house lawyers.

Which entities are responsible for organising initial training?

The traineeship school is responsible for the organisation of the training.

What is the statutory basis for initial training?

The statutory basis for initial training is provided by article 495 of the Judicial code:

“L'Ordre des Barreaux francophones et germanophone et l'Orde van Vlaamse Balies ont, chacune en ce qui concerne les barreaux qui en font partie, pour mission de veiller à l'honneur, aux droits et aux intérêts professionnels communs de leurs membres et sont compétentes en ce qui concerne l'aide juridique, le stage, la formation professionnelle des avocats-stagiaires et la formation de tous les avocats appartenant aux barreaux qui en font partie.”

The training is regulated in our [Code of Ethics](#) (article 40 - 51 bis) on basis of the above mentioned law.

## Access to the initial training

Are there conditions for accessing the training?

A master degree in law is required.

Registration with the Bar:

- Check/verification of diploma
- Evaluation by the Bar of a written application submitted by the applicant. The person who wishes to become a lawyer must send an application to the Bar and submit all the required documents which prove that all requirements (such as the obtainment of a Master diploma in Law, the date of the oath etc.) are met.
- Aptitude test (written exam + evaluation of a case). This aptitude test is called the B.U.B.A. (“Bewaamheidsattest tot het uitoefenen van het beroep van advocaat”, freely translated as “certificate of competence to practice the profession of lawyer”). This test is taken during the first year of the trainee’s internship. In some cases, before being able to start an internship, some new graduates must pass a test of knowledge in Belgian law. This is applicable for non-Belgian persons who have finished their studies in another Member State or for Belgian persons who have done all or a part of their studies in another Member State (it is, for example, common that law students in the border region of Limburg and the Netherlands finish their Bachelor degree in Belgium and then obtain their Master degree in the Netherlands).

What is the main recruitment procedure? If it is competitive - who runs it?

Candidate trainee lawyers must provide the documents described in article 26 of the Deontological Code to the secretariat of the Bar Council. Once they have taken the oath, they request subscription to the Bar of the location where their office is. They can register with all the other bar associations as well, if they choose to have a secondary office in the jurisdiction of those bar associations. When the Bar Council approves the application, the trainees will be added to the list of trainees and they receive access to the private website of the Bar, where they can subscribe for the initial training. The procedure is not competitive.

Are there alternative access routes to the training?

Alternative routes to the profession: NO

The only exception is Directive 98/5/CE of 17 February 1998 (for lawyers practicing in Belgium, having acquired qualifications in another member state).

## Format and content of the initial training

What is the duration and time frames of the training?

At least 3 years.

No different stages.

How is the training organised?

The traineeship lasts 3 years and is monitored by the supervising principal. The professional training (in the first 18 months of the traineeship) is organised by the traineeship school of the OVB.

## Who are the trainers?

Lawyers and professional trainers.

## What is the content and objectives of the initial training?

- Apprenticeship supervised by a private practice
- Law training with specific curriculum common to all trainee lawyers
- Training on non-legal professional skills (e.g. communication, management of an office, etc.)
- Training on legal professional skills (e.g. drafting claims, working with clients, etc.)
- Judicial procedures and judicial organisation
- Criminal law and criminal law procedure
- Administrative law procedure
- Family law
- Labour law
- Commercial and bankruptcy law
- Financial sector law
- Ethics rules
- Business accounting

## Who designs the initial training programmes?

The traineeship school of the OVB.

## What methodology is used for the training?

E-learning

Practical seminars

Exams

## What practical elements of the training are applicable to the trainees?

The lawyer-trainee takes the oath and consequently has the same responsibilities as other lawyers. He/she will of course be assisted by his/her supervising principal. The rights and duties of the trainee are mentioned in the aforementioned chapters of the OVB Code of Ethics.

## How are trainees evaluated/assessed? How often and by whom?

Trainee lawyers are evaluated on different occasions:

- Report of their supervising principal (at the end of their traineeship or a change of office along the way)
- Exams, organised by the OVB and drawn up by the teachers (ethics, civil procedural law, criminal procedural law): Exams take place on the same day and hour (mostly in the beginning of April, with 3 exams planned on as follows: one on Monday, one on Wednesday and one on Friday), in an online controlled environment.
- Active participation during the lessons, assessed by the teachers
- Papers, assessed by the members of the traineeship school
- Participation in moot court exercises, assessed by a jury containing lawyers and magistrates
- Management of pro deo cases, assessed by the bureau for legal assistance.

Are there any training activities carried out in conjunction with other legal professionals? If yes: How does it work?

No.

What are the specificities regarding EU law training, linguistic training and European

components of initial training, for example participation in CCBE or ELF activities?

No.

How many trainees are accepted for training? Are the numbers of trainees adjusted annually and by who?

In 2021-2022 a total of 599 trainees have started with the professional training. This number fluctuates yearly and there is no limitation.

## Termination of the initial training and qualification process

Does the initial training conclude with a final exam? How is it organised? Who is responsible for the exam?

The trainee is evaluated in different ways (article 48 of the Code): exams, essays and permanent evaluation (e.g. course on written communication). When successfully passing the exams, the trainee receives a certificate of competence from the OVB. This certificate is valid for 5 years (article 49).

The traineeship school is competent to decide on the format and content of the exams and evaluations (article 43).

Is there a further recruitment procedure to become a lawyer upon completion of the initial training?

Yes, the trainee will have to fulfill a mandatory pleading exercise and present his/her participation to the bureaus of legal assistance. Local bars can make additional requirements.

Article 25 of the Code:

The traineeship is the training lawyers undergo before they are included on the lawyers' roll and which aims to train them to be competent and independent lawyers, who know the ethics, respect professional privilege and the essential duties of independence and partiality, avoid conflicts of interest and have mastered the principles of dignity, righteousness and discretion that are the foundation of the profession of lawyer.

This training has various parts, including training by a supervising principal at a law firm, obtaining a certificate of professional competence and fulfilling obligations imposed by the Flemish Bar Council or by the Bar Council to which the trainee belongs.

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### French and German-speaking bar association

## General description

Is initial training offered, if yes is it compulsory?

Yes, to be registered with a Bar Association, a trainee lawyer must follow professional training courses and pass the test organised by the Code of Ethics (see below).

Does initial training differentiate between categories of trainees, e.g. for in-house lawyers and advocates?

In the present case, the replies to that questionnaire concern only the initial training of lawyers.

Which entities are responsible for organising initial training?

Initial professional training for lawyers is organised by the professional training centres (see below for more developments).

What is the statutory basis for initial training?

[Code of Conduct for Lawyers](#) - Articles 3.14 et seq.

[Judicial Code](#) - Article 434.

## Access to the initial training

Are there conditions for accessing the training?

Conditions for access to the profession of lawyer:

*'No one may carry the title of lawyer or practice the profession of lawyer unless he or she is a Belgian or national of a Member State of the European Union, holds the degree of doctorate or master's degree in law, has taken the oath referred to in Article 429 and is registered in the Bar Association or on the list of trainees'* (Article 428 of the Judicial Code)

As regards initial training:

*"In order to be registered with a Bar Association, the trainee must follow professional training courses and pass the test organised by the Code of Ethics"* (Article 3.14 of the Code of Ethics for Lawyers).

What is the main recruitment procedure? If it is competitive - who runs it?

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Are there alternative access routes to the training?

No

The only exception is Directive 98/5/EC of 17 February 1998 (for lawyers practising in Belgium who have acquired qualifications in another Member State).

## Format and content of the initial training

What is the duration and time frames of the training?

*'In order to be registered with the Bar Association, it is necessary, subject to the application of Article 428a (2), to have completed three years' training period'* (Article 434 of the Judicial Code).

See Article [3.14 et seq.](#) of the Code of Ethics for the content of years of training (courses, tests, training obligations).

How is the training organised?

Training is organised internally as per Article 3.23 of the Code of Ethics.

Initial legal professional training is organised by the professional training centres. Four professional training centres are set up, comprising the following Bar Associations: Brussels; Namur-Dinant-Luxembourg; Charleroi-Mons-Brabant Wallon-Tournai; Liège-Eupen-Huy-Verviers.

The Director of the professional Training Centre shall organise and coordinate legal professional training courses and tests.

### Who are the trainers?

Teachers are lawyers enrolled in the Bar Association, registered with one of the bar associations under the jurisdiction of the professional Training Centre. They teach on a voluntary basis and sometimes work in pairs with magistrates specialising in the subject taught.

They are therefore trainers in addition to their profession of lawyer.

It is the professional training centres that manage these subjects.

### What is the content and objectives of the initial training?

First year of traineeship (Article 3.14 of the Code of Ethics)

The course and, unless specifically provided for, the test shall consist of a program of 84 hours comprising the following subjects:

1° ethics (16 hours),

2° the practice of civil procedure (16 hours),

3° the practice of criminal proceedings, including the defence of persons deprived of liberty or heard by the police, the public prosecutor's office or an investigating judge (16 hours),

4° the practice of administrative procedure (8 hours),

5° legal aid (8 hours),

6° tax and social security obligations arising from the Code of Economic Law and with regard to the prevention of money laundering (8 hours),

7° alternative forms of dispute resolution (8 hours),

8° the IT tools made available to lawyers (4 hours)

Second and third years of traineeship (Article 3.14a of the Code of Ethics)

A trainee who has obtained the certificate of competence for the profession of lawyer in accordance with Article 3.16 (1) must, during his second and third years of his traineeship, attend practical professional training courses relating to:

1° ethics (minimum 12 hours),

2° European law, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (minimum 12 hours),

3° for a minimum of 24 hours, one or more non-exhaustive subjects chosen from the following options:

- the rights of young people (minimum 8 hours),
- provisional administration of property and persons (minimum 8 hours),
- the law of foreigners (minimum 8 hours),
- detailed criminal law, including the enforcement of sentences and the court for the enforcement of sentences (minimum 8 hours),
- insolvency law (natural and legal persons) (minimum 8 hours),
- the right to seizure and enforcement (minimum 8 hours), – family law (minimum 8 hours),
- reading balance sheets and annual accounts (minimum 8 hours),
- the right to liability and compensation for personal injury, including the Fund for compensation for victims of intentional acts of violence (minimum 16 hours),

- labour and social security law (minimum 16 hours)'.

They must also take part, for a minimum of four days, in one or more seminars devoted, in particular, to written communication, verbal communication, communication with regard to the media, advocacy, meetings, negotiation, collaborative law, mediation, mediation, lawyers and mediation, etc.

Certain specific training courses organised by the professional training centres which enable the trainee to follow the work of a member of another profession may be assimilated by these Centres.

## Who designs the initial training programmes?

Article 3.24 of the Code of Ethics

*'Without prejudice to the powers of the Ordre des barreaux francophones et germanophone to take such initiatives as it deems useful to standardise the requirements and content of initial training, each professional training centre shall adopt the objectives and content of the initial professional training, as well as any rules of procedure, after consulting the Management Board of the Ordre des barreaux francophones et germanophone and, where the professional training centre is common to more than one Bar Association, its members. He shall decide on the additional matters proposed to the trainee and may make them compulsory'.*

## What methodology is used for the training?

See answer to "[What is the content and objectives of the initial training?](#)" above.

## What practical elements of the training are applicable to the trainees?

See answer to "[What is the content and objectives of the initial training?](#)" above.

## How are trainees evaluated/assessed? How often and by whom?

First year of traineeship:

See Article 3.16:

*At the first session following the completion of the course, the trainee must take the test (= certificate of aptitude for the profession of lawyer), consisting of a written question on the following matters (civil procedure, criminal procedure, administrative procedure, organisation of the cabinet and tax obligations, legal aid) and an oral query on the course of ethics.*

+ Article 3.18:

*'The written tests referred to in Articles 3.16 (1) and 3.17 (1) shall be organised jointly by the professional training centres. The oral ethics test shall be organised by each professional training centre on the basis of a panel of questions drawn up by the O.B.F.G., under the direction of the director of the O.B.F.G. responsible for ethics.'*

As regards the scoring:

A trainee who has obtained a score of at least 10 out of 20 in all subjects shall be awarded the certificate of competence to practice as a lawyer. They may also be awarded this certificate by the selection board if they have obtained a score of 10 out of 20 in at least five subjects and an average of 50 % of the points for all subjects.

Second and third years of traineeship:

CF Article 3.14a

- course
- seminars

Participation in courses and seminars is mandatory and is an obligation of the traineeship.

Are there any training activities carried out in conjunction with other legal professionals? If yes: How does it work?

Article 3.2 of the Code of Ethics

*'A traineeship period completed abroad in a law firm, in an undertaking with a in-house lawyer or as a legal secretary to an international court, may be taken into account for the duration of the traineeship, subject to the following three conditions:*

- *the trainee must have completed one year's traineeship and, during that period, have fulfilled his obligations;*
- *the trainee must have obtained the prior authorisation of the lessor;*
- *the trainee must have provided the lessor with a detailed report on his activities during the period in question.*

*This report must be approved by his traineeship supervisor (s), by the in-house lawyer with whom he has completed his traineeship or by the magistrate to whom he has been a legal secretary'.*

This provision is currently under review with a view to possibly extending the possibilities of secondment.

What are the specificities regarding EU law training, linguistic training and European components of initial training, for example participation in CCBE or ELF activities?

It is a second year of traineeship's course (see Article 3 (14a)).

European law, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (minimum 12 hours)

How many trainees are accepted for training? Are the numbers of trainees adjusted annually and by who?

## Termination of the initial training and qualification process

Does the initial training conclude with a final exam? How is it organised? Who is responsible for the exam?

See answer question 3.8

After passing the CAPA test and fulfilling his/her traineeship obligations in accordance with the Code of Ethics, the trainee applies to his/her Bar Council for admission to the Bar Council.

Is there a further recruitment procedure to become a lawyer upon completion of the initial training?

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